

REFERENCE TITLE: **automatic restoration of voting rights**

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1109

Introduced by
Senators Landrum Taylor, Garcia; Representatives Bradley, Campbell CL,
Lopez, Miranda: Senators Arzberger, Burton Cahill, Miranda, Pesquiera

AN ACT

AMENDING SECTIONS 13-905, 13-906, 13-909, 13-910 AND 13-912, ARIZONA REVISED STATUTES; RELATING TO RESTORATION OF RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-905, Arizona Revised Statutes, is amended to
3 read:

4 13-905. Restoration of civil rights: persons completing
5 probation

6 A. EXCEPT AS PROVIDED IN SECTION 13-912, a person who has been
7 convicted of two or more felonies and whose period of probation has been
8 completed may have any civil rights ~~which~~ THAT were lost or suspended by ~~his~~
9 THE felony conviction restored by the judge who discharges ~~him~~ THE PERSON at
10 the end of the term of probation.

11 B. ~~Upon~~ ON proper application, a person who has been discharged from
12 probation either ~~prior to~~ BEFORE or after adoption of this chapter may have
13 any civil rights ~~which~~ THAT were lost or suspended by ~~his~~ THE felony
14 conviction restored by the superior court judge by whom the person was
15 sentenced or ~~his~~ THE JUDGE'S successors in office from the county in which ~~he~~
16 THE PERSON was originally convicted. The clerk of ~~such~~ THE superior court
17 shall ~~have the responsibility for processing~~ PROCESS the application ~~upon~~ ON
18 request of the person involved or ~~his~~ THE PERSON'S attorney. The superior
19 court shall ~~cause~~ SERVE a copy of the application ~~to be served upon~~ ON the
20 county attorney.

21 C. If the person was convicted of a dangerous offense under section
22 13-604, the person may not file for the restoration of ~~his~~ THE right to
23 possess or carry a gun or firearm. If the person was convicted of a serious
24 offense as defined in section 13-604, the person may not file for the
25 restoration of ~~his~~ THE right to possess or carry a gun or firearm for ten
26 years from the date of ~~his~~ THE PERSON'S discharge from probation. If the
27 person was convicted of any other felony offense, the person may not file for
28 the restoration of ~~his~~ THE right to possess or carry a gun or firearm for two
29 years from the date of ~~his~~ THE PERSON'S discharge from probation.

30 Sec. 2. Section 13-906, Arizona Revised Statutes, is amended to read:
31 13-906. Applications by persons discharged from prison

32 A. ~~Upon~~ EXCEPT AS PROVIDED IN SECTION 13-912, ON proper application, a
33 person who has been convicted of two or more felonies and who has received an
34 absolute discharge from imprisonment may have any civil rights ~~which~~ THAT
35 were lost or suspended by ~~his~~ THE conviction restored by the superior court
36 judge by whom the person was sentenced or ~~his~~ THE JUDGE'S successors in
37 office from the county in which ~~he~~ THE PERSON was originally sentenced.

38 B. A person who is subject to ~~the provisions of~~ subsection A of this
39 section may file, no sooner than two years from the date of ~~his~~ THE PERSON'S
40 absolute discharge, an application for restoration of civil rights that shall
41 be accompanied by a certificate of absolute discharge from the director of
42 the state department of corrections. The clerk of the superior court that
43 sentenced the applicant shall ~~have the responsibility for processing~~ PROCESS THE APPLICATION
44 for restoration of civil rights ~~upon~~ ON request of the person involved, ~~his~~ THE PERSON'S attorney or a representative
45

1 of the state department of corrections. The superior court shall ~~cause SERVE~~
2 a copy of the application ~~to be served upon~~ ON the county attorney.

3 C. If the person was convicted of a dangerous offense under section
4 13-604, the person may not file for the restoration of ~~his~~ THE right to
5 possess or carry a gun or firearm. If the person was convicted of a serious
6 offense as defined in section 13-604, the person may not file for the
7 restoration of ~~his~~ THE right to possess or carry a gun or firearm for ten
8 years from the date of ~~his~~ THE PERSON'S absolute discharge from
9 imprisonment. If the person was convicted of any other felony offense, the
10 person may not file for the restoration of ~~his~~ THE right to possess or carry
11 a gun or firearm for two years from the date of ~~his~~ THE PERSON'S absolute
12 discharge from imprisonment.

13 Sec. 3. Section 13-909, Arizona Revised Statutes, is amended to read:

14 13-909. Restoration of civil rights; persons completing
15 probation for federal offense

16 A. EXCEPT AS PROVIDED IN SECTION 13-912, a person who has been
17 convicted of two or more felonies and whose period of probation has been
18 completed may have any civil rights ~~which~~ THAT were lost or suspended by ~~his~~
19 THE felony conviction in a United States district court restored by the
20 presiding judge of the superior court in the county in which ~~he~~ THE PERSON
21 now resides, ~~upon~~ ON filing of an affidavit of discharge from the judge who
22 discharged ~~him~~ THE PERSON at the end of the term of probation.

23 B. ~~Upon~~ ON proper application, a person who has been discharged from
24 probation either ~~prior to~~ BEFORE or after adoption of this chapter may have
25 any civil rights ~~which~~ THAT were lost or suspended by ~~his~~ THE felony
26 conviction restored by an application filed with the clerk of the superior
27 court in the county in which ~~he~~ THE PERSON now resides. The clerk of the
28 superior court shall process the application ~~upon~~ ON request of the person
29 involved or ~~his~~ THE PERSON'S attorney.

30 C. If the person was convicted of an offense ~~which~~ THAT would be a
31 dangerous offense under section 13-604, the person may not file for the
32 restoration of ~~his~~ THE right to possess or carry a gun or firearm. If the
33 person was convicted of an offense ~~which~~ THAT would be a serious offense as
34 defined in section 13-604, the person may not file for the restoration of ~~his~~
35 THE right to possess or carry a gun or firearm for ten years from the date of
36 ~~his~~ THE PERSON'S discharge from probation. If the person was convicted of
37 any other felony offense, the person may not file for the restoration of ~~his~~
38 THE right to possess or carry a gun or firearm for two years from the date of
39 ~~his~~ THE PERSON'S discharge from probation.

40 Sec. 4. Section 13-910, Arizona Revised Statutes, is amended to read:

41 13-910. Applications by persons discharged from federal prison

42 A. ~~Upon~~ EXCEPT AS PROVIDED IN SECTION 13-912, ON proper application, a
43 person who has been convicted of two or more felonies and who has received an
44 absolute discharge from imprisonment in a federal prison may have any civil
45 rights ~~which~~ THAT were lost or suspended by ~~his~~ THE conviction restored by

1 the presiding judge of the superior court in the county in which ~~he~~ THE
2 PERSON now resides.

3 B. A person who is subject to ~~the provisions of~~ subsection A of this
4 section may file, no sooner than two years from the date of ~~his~~ THE PERSON'S
5 absolute discharge, an application for restoration of civil rights that shall
6 be accompanied by a certificate of absolute discharge from the director of
7 the federal bureau of prisons, unless it is shown to be impossible to obtain
8 such certificate. ~~Such~~ THE application shall be filed with the clerk of the
9 superior court in the county in which the person now resides, and ~~such~~ THE
10 clerk shall ~~be responsible for processing applications~~ PROCESS THE
11 APPLICATION for restoration of civil rights ~~upon~~ ON request of the person
12 involved or ~~his~~ THE PERSON'S attorney.

13 C. If the person was convicted of an offense ~~which~~ THAT would be a
14 dangerous offense under section 13-604, the person may not file for the
15 restoration of ~~his~~ THE right to possess or carry a gun or firearm. If the
16 person was convicted of an offense ~~which~~ THAT would be a serious offense as
17 defined in section 13-604, the person may not file for the restoration of ~~his~~
18 THE right to possess or carry a gun or firearm for ten years from the date of
19 ~~his~~ THE PERSON'S absolute discharge from imprisonment. If the person was
20 convicted of any other felony offense, the person may not file for the
21 restoration of ~~his~~ THE right to possess or carry a gun or firearm for two
22 years from the date of ~~his~~ THE PERSON'S absolute discharge from imprisonment.

23 Sec. 5. Section 13-912, Arizona Revised Statutes, is amended to read:
24 13-912. Automatic restoration of civil rights: exception

25 A. Any person who has not previously been convicted of any other
26 felony shall automatically be restored any civil rights that were lost or
27 suspended by the conviction if the person both:

28 1. Completes a term of probation or receives an absolute discharge
29 from imprisonment.

30 2. Pays any fine or restitution imposed.

31 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, ANY PERSON WHO HAS
32 BEEN CONVICTED OF ONE OR MORE FELONIES SHALL AUTOMATICALLY BE RESTORED THE
33 RIGHT TO VOTE THAT WAS LOST OR SUSPENDED BY THE CONVICTION ON COMPLETION OF
34 PROBATION OR ABSOLUTE DISCHARGE FROM IMPRISONMENT.

35 B. C. This section does not apply to a person's right to possess
36 weapons as defined in section 13-3101 unless the person applies to a court
37 pursuant to section 13-905 or 13-906.